

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL D. DYDZAK,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. [17-cv-04360-EMC](#)

**ORDER TO SHOW CAUSE WHY
PLAINTIFF DANIEL DYDZAK
SHOULD NOT BE DECLARED A
VEXATIOUS LITIGANT**

In 2012, the Central District of California entered a pre-filing order restraining Plaintiff from filing lawsuits alleging claims under 42 U.S.C. § 1983 or *Bivens* based on his disbarment. That order, apparently, has failed to stem the tide of frivolous, harassing, and abusive litigation by Plaintiff. Plaintiff's history of meritless litigation is described in greater detail in the Court's concurrently-issued order of dismissal.¹ See Docket No. 35 at 1-6. As described there, this case is only the latest in a long line alleging conspiracies between federal and state judges and judicial staff, their family members, their professional or personal associates, and other private persons either to disbar Plaintiff or to frustrate litigation he has filed related to that disbarment. Every new lawsuit mushrooms into yet another that draws within its ambit more judicial defendants who issue rulings unfavorable to him. The thrust of each case is the same, but the causes of action have been crafted to avoid the 2012 pre-filing order to include state torts and violations of other federal laws, such as RICO or the Federal Wiretap Act. Yet each claim is no less frivolous or harassing.

¹ See, e.g., *Dydzak v. State of California, et al.*, C08-7765-VAP (AGR) (C.D. Cal. 2008); *Dydzak v. Remke et al.*, C10-0828-UA-AGR (C.D. Cal. 2010); *Dydzak v. Remke, et al.*, C10-1297-AHM-AGR (C.D. Cal. 2010); *Dydzak v. George*, Case No. 10-5820-SVW (C.D. Cal. 2010); *Dydzak v. Cantil-Sakauye*, Case No. 11-5560-JCC (C.D. Cal. 2011); *Dydzak v. Schwarzenegger*, Case No. 12-8759, Docket No. 1 (C.D. Cal. 2012); *Dydzak v. Alexander*, 2:16-cv-02915-ODW (C.D. Cal. June 1, 2016); *Dydzak v. Schwab*, Case No. 4:16-cv-4799-YGR (N.D. Cal. 2016).

This pattern has led three other courts to declare him a vexatious litigant.²

The following are examples of frivolous or harassing files in this case:

- Plaintiff's August 1, 2017 Complaint (Docket No. 1)
- Plaintiff's Motion to Disqualify Judge Edward M. Chen (Docket No. 19)
- Plaintiff's Ex Parte Motion to Strike October 4, 2017 Order (Docket No. 26)
- Plaintiff's Second Motion to Disqualify Judge Edward M. Chen (Docket No. 31)
- Plaintiff's oral motion on October 26, 2017 to stay district court proceedings at the hearing on Defendant Cantil-Sakauye's Motion to Dismiss and the Court's Order to Show Cause, pending his emergency appeal to the Ninth Circuit regarding the Court's orders denying his motions to disqualify

The following are frivolous or harassing filings made in *Dydzak v. Schwab*, 4:16-cv-4799 (N.D. Cal. 2016):

- Plaintiff's Complaint (Docket No. 1)
- Plaintiff's Motion to Disqualify Counsel Kamala Harris, John P. Divine; Motion to Strike Defendant Ronald M. George's Motion to Dismiss (Docket No. 31)
- Plaintiff's Motion to Disqualify Kenneth G. Hausman and Arnold & Porter LLP and Motion to Strike Defendant Charles Schwab's Motion to Dismiss (Docket No. 39)
- Plaintiff's Motion to Reconsider and Reverse Nov. 30, 2016 Order (Docket No. 71)
- Plaintiff's Motion to Disqualify Judge Yvonne Gonzales Rogers (Docket No. 72)

In light of the pattern of harassing behavior and frivolous filings described above and the litigation history discussed in the Court's concurrently-filed order of dismissal, Plaintiff Daniel Dydzak is **ORDERED TO SHOW CAUSE** (1) why he should not be declared a vexatious

² See Order dated Sep. 25, 2012 in *Dydzak v. Cantil-Sakauye*, Case No. 11-5560-JCC, Docket No. 8 (C.D. Cal. 2011), Docket No. 10, Ex. A; Order Granting Motion to Declare Daniel Dydzak a Vexatious Litigant and for a Prefiling Order dated Nov. 30, 2012 in *Dydzak v. Rothenberg et al.*, Case No. BC463363, Superior Court of the State of California, County of Los Angeles, Central District, Docket No. 10, Ex. E; Notice of Entry of Order Granting State Bar Defendants' Motion to Declare Plaintiff Daniel D. Dydzak a Vexatious Litigant dated April 8, 2013 in *Dydzak v. Dunn et al.*, Case No. 30-2012-00558031, Superior Court of the State of California, County of San Diego, Docket No. 10, Ex. F.

1 litigant by this Court and (2) why he should not be prohibited from initiating any further litigation
2 in this or any other federal court raising any claim based on, arising out of, or related to his
3 disbarment or alleging that orders entered in lawsuits previously filed by him related to the same
4 were rigged, fixed, or otherwise unlawful or illegitimate, without prior authorization from the
5 appropriate federal court. In the absence of such a showing, Mr. Dydzak will be declared a
6 vexatious litigant and will be required to provide security in the amount of \$5,000 for each
7 defendant against whom he seeks to proceed with Court authorization, as described above.

8 Plaintiff's response to this Order to Show Cause must be filed no later than **November 30,**
9 **2017** in a single filing not to exceed 15 double-spaced pages, inclusive of all exhibits and
10 attachments, and formatted consistently with the local rules.

11
12 **IT IS SO ORDERED.**

13
14 Dated: October 31, 2017

15
16 
17 EDWARD M. CHEN
18 United States District Judge
19
20
21
22
23
24
25
26
27
28